

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/598861
Applicant : KIM et al.
Filed : September 13, 2006
TC/A.U. : 1614
Examiner :

Docket No. : 1751-0417
Customer No. : 06449
Confirmation No. : 1443

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

INTERVIEW SUMMARY

Dear Sir:

On September 13, 2006, Applicants timely electronically filed application 10/598861. Applicants received an Electronic Acknowledgement Receipt (EFS ID: 1198965). The Application included, *inter alia*, an Application Data Sheet and an Electronic Patent Application Fee Transmittal each claiming Small Entity Status. The Application further included an executed Declaration of Inventorship which was signed by each inventor and which properly identified the application by International Application Number and International Filing Date. The Electronic Acknowledgement Receipt referred to the executed Declaration of Inventorship as document number 16.

On June 14, 2007, the offices of Rothwell, Figg, Ernst & Manbeck, P.C., attorneys for the Applicants, received a 371 Formalities Letter (Notification of Missing Requirements Under 35 U.S.C. 371). The Formalities Letter indicated that the following items must be furnished in order to complete the requirements for acceptance under 35 U.S.C. 371:

- An Oath or Declaration identifying the application by International Application Number and International Filing Date; and
- A surcharge for late filing of oath or declaration.

Moreover, the Formalities Letter indicated that the required fee was \$130 for a Large Entity.

On June 26, 2007, in response to the Formalities Letter, this office faxed a communication to Ms. Deborah D. Williams. The fax transmitted a copy of the Electronic

Acknowledgement Receipt which indicated that the Declaration had been timely filed and which indicated a proper claim to Small Entity status had been made.

Several additional attempts were made in order to resolve this situation.

On March 6, 2008, John A. Evans, attorney for the Applicant, initiated a telephone inquiry with Ms. Deborah Williams (Office of PCT Operations) and Ms. Williams' supervisor, Ms. Donna Greene (Office of PCT Operations). The phone conversation was conducted to clarify the status to the above mentioned application.

Mr. Evans indicated that the Image File Wrapper, accessed via the U.S.P.T.O. PAIR system, contained an electronic copy of the Declaration in question. Mr. Evans asked the U.S.P.T.O. personnel to access the Image File Wrapper so that they could see the document.

Ms. Greene indicated the existence of a serious flaw in the IFW system. Although the image of the Declaration appeared on and was accessible from Ms. Greene's workstation, that same document did not appear on Ms. Williams' workstation. Ms. Greene indicated that she printed a hardcopy of the Declaration for Ms. Williams convenience in completing her review. Ms. Greene also indicated that as the Declaration was timely filed, any holding of abandonment of the Application would be vacated. The Applicants thank both Ms. Williams and Ms. Greene for their help in this matter.

The Applicants respectfully request that the U.S.P.T.O. issue a written acknowledgement that the Application is not Abandoned and was complete as to formalities and timely filed as of September 13, 2006. The Applicants further request acknowledgement of the claim to Small Entity status.

Respectfully submitted,

/John A. Evans/

By: _____

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